

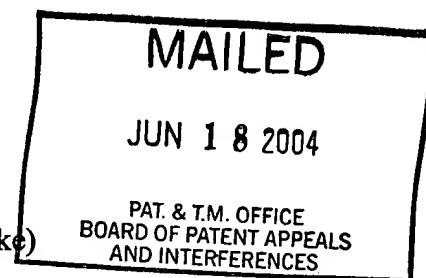
Filed by: Richard E. Schafer  
Administrative Patent Judge  
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Filed  
18 June 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**FLORIDA STATE UNIVERSITY**  
(Robert A. Holton, Zhuming Zhang and Paul A. Clarke)  
Junior Party  
(Application 09/063,477),



v.

**PHARMACHEMIE B.V.**  
(Eric Wilhelmus Petrus Damen, Johan Wilhelm Scheeren and Dick de Vos)  
Senior Party  
(Patent 5,874,595).

Patent Interference No. 105,220 (RES)

**DECLARATION**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

**Part B. Judge designated to handle the interference**

Administrative Patent Judge Richard E. Schafer has been designated to handle the interference. 37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for **3:00 p.m. on August 10, 2004** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

Counsel are encouraged to discuss and come to an agreement on any proposed changes to the times set in the accompanying **ORDER SETTING TIMES** which sets the times for the preliminary motions phase of this interference. Counsel should be prepared to justify any request for a shorter or longer period. A copy of a model order setting times for the priority phase of this interference is included. The priority phase will ordinarily be completed in nine months or less.

**Part E. The parties involved in this interference are:**

<u>Junior Party</u>		<u>Senior Party</u>	
Named inventors:	Robert A. Holton Zhuming Zhang Paul A. Clarke	Named Inventors:	Eric W. P. Damen Johan W. Scheeren Dick de Vos
Application:	09/063,477, filed 20 April 1998	Patent:	5,874,595, granted 23 February 1999 based on Application 08/861,053, filed 21 May 1997
Title:	Process for selective derivatization of taxanes	Title:	Method for the preparation of baccatin III and derivatives thereof from 10- deacetyl baccatin III
Assignee:	Florida State University	Assignee:	Pharmachemie B.V.
Accorded Benefit:	None	Accorded Benefit:	European Application 97201315, filed 2 May 1997
Attorneys:	See last page	Attorneys:	See last page
Address:	See last page	Address:	See last page

**Part F. Count and claims of the parties**

Count 1

Claim 1 of U.S. Patent 5,874,595.

The claims of the parties are:

Florida State University: 1-19

Pharmachemie B.V.: 1-18

The claims of the parties which correspond to Count 1 are:

Florida State University: 1-19

Pharmachemie B.V.: 1-18

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Florida State University: None

Pharmachemie B.V.: None

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See STANDING ORDER ¶ 3.5.

Paper \_\_\_\_<sup>1</sup>

Filed on behalf of [name of party]

By: Name of lead counsel  
Name of backup counsel  
Street address  
City, State, and Zip-Code  
Tel:  
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Richard E. Schafer)

**FLORIDA STATE UNIVERSITY**  
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Senior Party  
(Patent 5,874,595).

Patent Interference No. 105,220 (RES)

TITLE OF PAPER

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<sup>1</sup> Leave a blank line because the board assigns the paper number

## **Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the STANDING ORDER:

- ¶ 4: date for identifying lead and backup counsel.
- ¶ 5: date for identifying any real party in interest.
- ¶ 6: date for requesting copies of involved and benefit applications and patents.
- ¶ 7: date for accomplishing certain discovery.
- ¶ 8: date for filing clean copy of claims.
- ¶ 9: date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10: date for filing list of proposed preliminary motions.
- ¶ 13.10.2: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1: date for objecting to admissibility of evidence.
- ¶ 14.2: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3: dates when cross-examination can take place.
- ¶ 15.2: dates for taking action with respect to settlement discussions.

**Part I. Order form for requesting file copies**

**FILE COPY REQUEST  
Interference 105,220 (RES)**

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).

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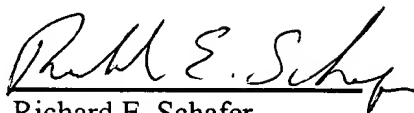
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Telephone, including area code: \_\_\_\_\_

**Part J. Signature of administrative patent judge**



Richard E. Schafer  
Administrative Patent Judge

Date: 6/18/04

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the priority phase of the interference

Copy U.S. Patent 5,874,595

Copy of claims of Application 09/063,477

Revised May 2003



cc (via overnight delivery):

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